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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,152	02/18/2005	Roger Alberto	1582 WO/US	5284
7590 10/16/2008				
Mallinckrodt Inc. 675 McDonnell Boulevard PO Box 5840 Hazelwood, MO 63134			EXAMINER GROSS, CHRISTOPHER M	
			ART UNIT 1639	PAPER NUMBER
			MAIL DATE 10/16/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Continuation of 3

In accordance with MPEP 803.02, should applicant overcome a rejection - by amending a claim - to exclude species anticipated or rendered obvious by the prior art, the search concerning amended claims will need to be extended to the extent necessary to determine patentability. Said search extension constitutes an additional consideration and/or search. See MPEP 714.13. Here, the proposed amendment filed 9/22/2008 limiting the R1 and R2 groups set forth in claim 15 to the three functional groups, shown therein requires further search and consideration. Notably, applicant has *not* transferred the COOH group shown in finally rejected claim 27, which alters the scope of the claimed subject matter and accordingly does not reduce or simplify the issues for appeal.

Furthermore, there is no reason why the proposed amendments were not presented earlier in prosecution. See 37 CFR 1.116 (b)(3).

In light of the fact that the proposed amendments, filed 9/22/2008, after final rejection will not be entered, Applicant's arguments filed 9/22/2008 (see p 8-12) are rendered moot.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Gross whose telephone number is (571)272-4446. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Douglas Schultz can be reached on 571 272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1639

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M Gross
Examiner
Art Unit 1639

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/JD Schultz, PhD/

Supervisory Patent Examiner, Art Unit 1635